

REMARKS

Claims 16 and 18-32 and 38-41 are active in this application.

Applicants wish to thank Examiner Mertz for the helpful comments provided to the Applicants' undersigned representative in the discussion held on August 19, 2004. During this discussion, a suggestion was made to amend the claims to include the phrase "binds to IL-2R beta-chain and stimulates lymphocytes." The claim amendments submitted herein reflect this suggestion.

In addition, the isolated peptide has been defined, in one embodiment, as 95% identical to SEQ ID NO:6. Support for this amendment is found on page 14. Further support is found on page 3, lines 3-13, where results with mutated IL-2 are specified, i.e., providing information on important amino acid residues for binding to IL-2R $\beta$ . Further support is found on pages 16-19, wherein numerous amino acid changes are described and on page 18, lines 28-30, which describes that the biologically active peptides encompass amino acids 17-20 of IL-2. Also, the level of identity between the peptides of SEQ ID NO:6 and SEQ ID NO:8 (see Claims 16 and 27) is about 95%.

The rejections under 35 U.S.C. § 112, first paragraph and the rejections under 35 U.S.C. § 112, second paragraph are rendered moot by the amendments submitted herein. In particular, IL-2R $\beta$  chain binding is described in Examples 7 and 9. Withdrawal of the rejections is requested.

Applicants also request that this case be passed to issuance.

Respectfully submitted,

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